AF

PATENT

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Renee D. East
Date of signature and deposit - May 15, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Benjamin J. Parker et al	)	Group Art Unit: 2141
Serial No.: 10/034,012	)	Confirmation No.: 1871
Filed: 12/20/2001	)	Examiner: Kristie D. Shingles
For: Configuring Computer Network Communications In Response To Detected Firewalls	)	Attorney Docket: 1805(15817)

REPLY BRIEF AND REQUEST THAT APPEAL BE MAINTAINED

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Answer mailed March 21, 2007, which contains a new ground of rejection, Appellant hereby requests that the appeal be maintained under 37 CFR 41.39(b)(2). Appellant expresses its disappointment that such new ground of rejection was not identified at the time of the pre-appeal brief conference.

NEW GROUNDS OF REJECTION TO BE REVIEWED

1. Whether claims 1, 3-9, 12, 14, 15, and 17 are unpatentable under 35 U.S.C. §103(a) over Xu et al (US publication 2002/0114322) in view of Sultan (US 7,058,973).

ARGUMENT

Rejection of Claims 1, 3-9, 12, 14, 15, and 17 Under Xu et al in View of Sultan

Claims 1, 3-9 and 12

The new rejection argues that Xu et al discloses the claimed steps wherein if a respective NAT firewall is in place between the called user and the internetwork, then detecting whether a respective NAT firewall is in place between the calling user and the internetwork, and if a respective NAT firewall is not in place between the calling user and the internetwork, then 1) transmitting the calling user's respective global address to the called user, and 2) the called user establishing a network session for the connection with the calling user by transmitting to the calling user's respective global address. As explained in the original brief and in the specification, the claimed invention detects the presence of a NAT firewall at the called user and if one is present but no NAT firewall is present at the calling user, then the roles of the parties' computers are dynamically reversed for establishing the network session between the two computers. A full and fair consideration of Xu et al reveals that such a process is neither shown nor suggested.

Xu et al relates to use of an intermediary server for communicating between the clients. There is no teaching or suggestion of a method wherein a direct connection bypassing the intermediary server is established by a called party in response to receiving the global address of the calling party. Xu et al explains in paragraph [0013] of its background:

> Because of the wide spread use of NAT firewalls which typically provide both IP address translation and port

> translation of all frames sent from the private network to the Internet, what is needed is a system and method for establishing and maintaining Internet telephony conversations between two clients, both of which are located on private networks behind NAT firewalls.

In paragraph [0014]. Xu et al explains that its "method may be performed by an intermediary server with a public IP address on the Internet." As described in paragraph [0024], Xu et al employs a device for relaying real time media data between a first client and a second client, and the device comprises a network interface circuit. Paragraph [0025] states:

> Further, the media communication application may provide for driving the network interface circuit to send a third media datagram that includes media data originated by the second client using the first client network address as a destination network address of the third media datagram if the Internet Protocol address of the first client network address and the Internet Protocol address of the source network address are the same.

When these addresses are the same, then a NAT firewall is not present. Consequently, Xu et al continues to relay datagrams between the clients even when there is no NAT firewall at one of the clients. Since datagrams are always relayed by an intermediary device, there is no communication directly between clients, and there could not possibly be any dynamic reversal of the caller/callee roles for establishing the network session between the two computers. Thus, Xu et al fails to provide the teachings as alleged in the new rejection.

It is readily apparent from Figures 2a, 2b, and 2c that all datagrams to or from a client are exchanged with either a proxy server or the call control manager (CCM) server. Xu et al fails to exchange datagrams using direct addressing between the clients, which is precisely the advantage that is achieved by the present invention.

Sultan is cited as allegedly showing the use of global addresses in a NAT.

Sultan fails to either teach or suggest direct session initiation between clients. Thus, Sultan fails to correct for the deficiencies in Xu et al. The combined references neither teach nor suggest detecting the presence of a NAT firewall at the called user and if one is present but no NAT firewall is present at the calling user, then dynamically reversing the roles of the parties' computers to establish the network session between the two computers. Therefore, claim 1 and its dependent claims 3-11 are patentable thereover.

Claims 12 and 14

Independent claim 12 includes the same critical limitations as discussed above regarding claim 1. Therefore, claims 12 and 14 are likewise patentable over Xu et al and Sultan.

Claims 15 and 17

Independent claim 15 includes the same critical limitations as discussed above regarding claim 1. Therefore, claims 15 and 17 are likewise allowable over Xu et al and Sultan.

CONCLUSION

The final rejection has failed to establish a case of prima facia obviousness of any pending claims. The prior art relied upon in the final rejection neither teaches nor suggests the structure or function of the present invention nor does it provide any teaching which can obtain the significant advantages which are achieved by the present invention. Accordingly, the rejection contained in the Answer dated March 21, 2007, should be reversed.

Respectfully submitted,



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